



# **Disproportionate Minority Confinement Lexington Fayette County**

## **DMC Committee Report Abstract December 31, 2008**

### **Partners For Youth, Lead Agency**

**Partners For Youth (PFY) is a community coalition that works to improve the lives of economically disadvantaged youth.**

**PFY's mission is to promote positive youth development and to prevent juvenile delinquency through collaboration and capacity building.**

**Partners For Youth  
166 N. MLK Blvd, Lexington, KY 40508  
Phone: (859) 258-3108, Fax: (859) 258-3007  
Website: <http://www.lexingtonky.gov/partnersforyouth>**

*Injustice anywhere  
is a threat to justice everywhere.  
Dr. Martin Luther King Jr..*

According to the Kentucky Juvenile Justice Advisory Committee's (JJAB) report, Disproportionate Minority Confinement in Kentucky, An Analysis of the Process and Decision-Making Points In The Juvenile Justice System, Technical Report May 2002, African-Americans age 10-17 in Fayette County were being detained in pre-trial detention at approximately three times their rate in the population. As the Department of Juvenile Justice Delinquency Prevention Council, Partners For Youth conducts a bi-annual community needs assessment which identifies issues related to juvenile delinquency and prevention efforts. In addition to the previously mentioned JJAB report, the data collected in 2003 by PFY for the next needs assessment indicated an overrepresentation of African American youth in Fayette County Juvenile Detention.

With guidance from the JJAB, PFY initiated Fayette County's DMC Committee in the summer of 2003. PFY brought together a group of community stakeholders to partner in addressing Fayette County's over-representation of minorities, especially African Americans in juvenile detention. Stakeholders present at the meeting agreed that all sectors of society should work together to build a strong community that cares about all its youth. The newly formed Disproportionate Minority Confinement Committee established an initiative to decrease racial disparity in Fayette County's juvenile detention numbers by focusing on both the unique needs of these youth and the need to protect the safety of the community. The committee purpose is to assure that juveniles are being appropriately detained.

To this end the DMC committee developed the following goals:

- Examine policy, procedures, laws, and practices at each decision point in the Juvenile Justice process for potential for bias contributing to the disparate representation and treatment of youth of color in the juvenile justice system;
- Increase opportunities for youth that contribute to positive youth development, increase decision making skills in youth, and increase positive civic engagement by the non-traditional youth participant; and
- Advocate for system, community, and institutional change, which decreases racial disparity at each decision point leading to disproportionate minority confinement.

A non-traditional youth participant is a youth of color at risk for coming in contact with the juvenile justice system based on family and community risk factors

A significant body of research reveals that racial disparity in the initial contact with the juvenile justice system translates to a disproportionate number of juveniles detained, adjudicated and placed in out of home care, including secure confinement. Therefore, the initial focus of the initiative was to examine policy, and practice leading to the granting of an extension of detention.

An extension of detention is an order by a judge allowing a juvenile to be held in detention up to 24 hours for a status offense and 48 hours for a public offense, pending a detention hearing.

Throughout the four years of the local DMC efforts, the committee has brought together a broad representation of juvenile justice system stakeholders, community agency representatives, and concerned citizens.

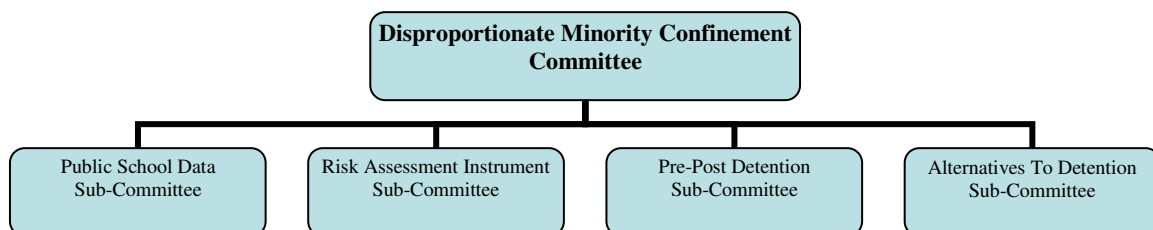
In the first year (2004), the DMC Committee accomplished the beginning stages of mapping the path youth travel through the juvenile justice system from initial contact through disposition.

In the second year of the initiative (2005), technical assistance was provided by Dr. Kimberly Kemp-Leonard, Professor of Sociology, Crime and Justice Studies, and Political Economy School of Social Sciences, University of Texas at Dallas, and funded by the United States, Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). Additional technical assistance was provided in the third year (2006) by W. Haywood Burns Institute (BI), funded by the Kentucky Department of Juvenile Justice, Juvenile Justice Advisory Board, and the Sub-Committee on Equity and Justice for All Youth (SEJAY).

In response to recommendations and suggestions resulting from the technical assistance, in the third and fourth years (2006-2007), the DMC committee developed sub-committees to address:

- Potential for bias in the issuing of Disorderly Conduct charges levied on high school students in Fayette County Public Schools that led to custody holds and consequent referrals to the Court Designated Workers, (CDW);
- Collecting of pre and post-detention demographic data on a periodic basis to guide DMC Committee decision making and outcomes measurement;
- Development of a local Risk Assessment Inventory that can be used by CDW to complement the AOC- JW-39 (detention criteria instrument) by providing additional specific information to the judge making the decision to grant an extension of detention; and
- The need for alternatives to detention, especially mental health options, available to judges.

CDWs are those delegated by the Kentucky Administrative Office of the Courts for the purpose of placing children in alternative placement prior to arraignment, conducting preliminary investigation, and formulating, entering into, and supervising diversion agreement, and performing such other duties as authorized by law or court order.



## 2008 DMC Committee Report Abstract

The Committee reports the following action as direct or indirect outcomes of discussions and efforts around the disparate representation of youth in detention:

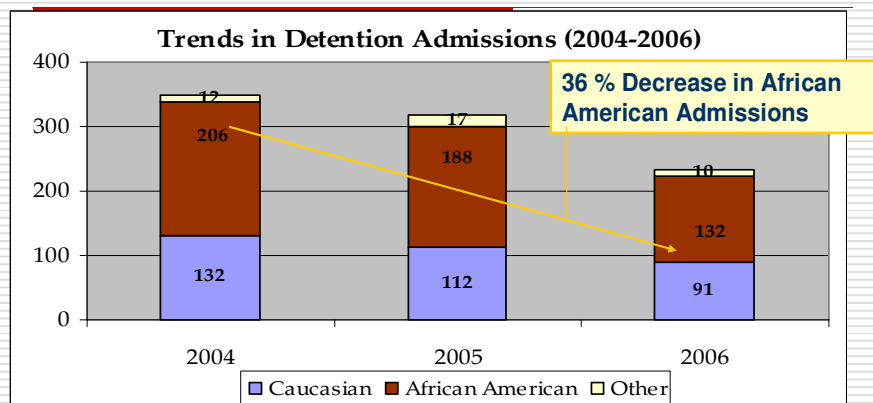
- Initial changes in juvenile justice system policy and practices, including changes in the General Order 2000-4;
- Development by PFY of youth led civic engagement activities to reduce risk factors and increase protective factors using the positive youth development philosophy outlined by America's Promise and the Search Institute;
- Development by PFY of a Truancy Assessment Center;
- Revision of MASH's eligibility criteria facilitating the acceptance of youth charged with Assault IV on a case-by-case basis. Also an increase in the number of referrals to MASH from the courts by 342% in FY 2008 over FY 2007;
- Decision by Family Court judges to no longer pre-authorize detention on runaway cases; and
- Participation of several DMC Committee members in the Race Community and Child Welfare Collaboration Undoing Racism Training.

General Order 2000-4 was a court order issued by Fayette District Judges which expanded the detention criteria beyond the Kentucky AOC JW-39

As a result of Disproportionate Minority Confinement conversations on the local level, the local Division of Youth Services increased daytime programming for court-involved juveniles not attending classes. This program is also open for students on suspension.

Based on data they analyzed, the W. Haywood Burns Institute reported in 2006 that from 2004-2006, there was a 33% decrease in the overall number of youth in detention and a 36% decrease in African American youth in detention.

### Detention Admission Trends (2004-2006)



## **The Next Step**

The work of addressing Fayette County's disparate representation of minority youth in detention is complicated. The committee's efforts assure that juveniles are being appropriately detained, and that the potential for bias in the juvenile justice system is assessed. It is important that our community sustain system policy changes made as a result of local and statewide efforts to address DMC, as well as identify additional changes in policy at each contact point for young people in the juvenile justice system. Successfully addressing DMC includes garnering community-wide support for changes as evidenced by the analysis of data on a periodic basis.

It is also important that the DMC Committee further explore non-system contributions to the disparate representation of minority youth in detention. This includes promoting a community agenda that values youth, and establishes a character building environment whereby youth from all economic, racial, and cultural backgrounds can reach their highest potential.

In 2009, the Disproportionate Minority Confinement Committee plans to:

- Recruit more community-level partners, who will bring detailed information about the community to the planning processes of the DMC Committee. These will be non-traditional stakeholders, such as parents, youth and /or their representatives most impacted by DMC, as well as community based organizations, neighborhood organizations, and faith based institutions;
- Conduct data analysis with community and system stakeholders to
  - assure that juveniles are being appropriately detained,
  - examine what contact point and system changes have the most potential for reducing bias; and,
- Identify effective steps on the community and system level to prevent re-offending, especially for court-involved youth of color.
- Identify and recruit DMC champions such as local and/or state elected officials to advocate for and promote community-wide and systematic changes that reduce DMC in Fayette County;
- Reduce the number of Status Offenders being detained in Fayette County;
- Develop and expand the use of Alternatives to Detention, such as shelters, foster care, and electronic monitoring;
- Educate the partners, agencies, and community on the negative impact of the use of detention;
- Collaborate with all law enforcement entities (ie local Division of Police, University of Kentucky and Transylvania University, and Fayette County Public School law enforcement) to aggregate and report local arrest and release data by race and charge; and
- Collaborate with the Race, Community & Child Welfare initiative by promoting Undoing Racism workshops in Fayette County's, and promote the use of DVD series such as Race, Power of an Illusion and Unnatural Causes to stimulate dialogue and to better understand racial bias and its effect on youth.

## **Glossary of Terms and Acronyms**

**Adjudicate** - To settle a case by judicial procedure.

**Adjudication Hearing** – A hearing to determine the truth or falsity of the allegation(s) or charge(s) placed against the juvenile.

**Child Taken Into Custody / Arrest** - Action of taking a youth into police custody for the purpose of charging him or her with a delinquent act. The juvenile justice process often begins with an investigation by a police officer, either because he or she observes a delinquent act being committed or because such an act is reported. The police officer will generally take one of two actions when the child is taken into custody: (1) field release the youth to his or her parents or guardian, or (2) keep the youth in custody and refer the matter to the court designated worker for further processing

**Detention** – Juvenile detention, as part of the juvenile justice continuum, is a process that includes the temporary and safe custody of juvenile whose alleged conduct is subject to court jurisdiction who require a restricted environment for the community's protection. For the sake of this report, detention refers to confinement in a secure facility pending pretrial release, juvenile court proceedings, or disposition. Also referred to as the facility for the confinement of individuals accused or convicted of criminal or delinquent activity.

**Detention Hearing** – A hearing held by the judge for the purpose of establishing probable cause and for the purpose of determining whether a juvenile shall be further detained.

**Disposition Hearing** – A hearing to determine the action to be taken by the court on behalf of, and in the best interest of the child.

**Disproportionate Minority Confinement (DMC)** – The disparate representation of youth of color in secure detention, when compared to the rate that this group is represented in the general population. Note: In 2002 the Federal Juvenile Justice and Delinquency Prevention Act expanded the scope of DMC from “disproportionate minority confinement” to “disproportionate minority contact.” Fayette County's DMC initiative, however, currently remains focused on confinement and all reference to DMC is a reference to confinement.

**Extension of Detention** – Order by a judge allowing a juvenile to be held in detention up to 24 hours for a status offense, and 48 hours for a public offense, pending a detention hearing

**General Order** – A court order issued by Fayette District Judges which expanded the detention criteria beyond the Kentucky AOC JW-39

## 2008 DMC Committee Report Abstract

**Juvenile** - A person who has not reached his or her eighteenth birthday, and falls under the jurisdiction of the family or juvenile court.

**JW-39** – Pre-Adjudication Detention Criteria Instrument required by the Kentucky Administrative Office of the Courts for all juveniles being presented to a judge by CDW's for consideration to grant an extension of detention.

**MASH** – MASH Service of the Bluegrass operates a ten-bed emergency shelter for youth in Fayette County

**OJJDP** – United States, Department of Justice, Office of Juvenile Justice and Delinquency Prevention

**Status Offender** – A child who is a habitual truant, habitual runaway, or is deemed as being beyond the control of his or her parent or school. These acts if committed by an adult would not be a violation of the law.

### DMC Committee Composition

Sgt. Christopher Townsend, Committee Chairperson  
 Jane Gibbs, Co-chairperson  
 Larry L. Johnson, Coordinator  
 Terry Stivers, Secretary  
 William Kendrick, Former Chairperson  
 Andrea Coleman, Former Coordinator

<b>Initial Community / Juvenile Justice System Representatives</b>	
Partners For Youth	Fayette County Juvenile Detention Center
Concerned Citizens	Law Enforcement Fayette County Public Schools
County Attorney's Office	Fayette District Judge
Court Designated Workers Office Kentucky Administrative Office of the Courts	Kentucky Administrative Office of the Courts
Division of Youth Services Lexington Fayette Urban County Government	Kentucky Department of Community Based Services
Division of Police Lexington Fayette Urban County Government	Kentucky Department of Juvenile Justice Community Office
NECCO	United Way of the Bluegrass
Fayette County Public Schools	

<b>Added Representatives</b>	
Concerned Citizens	Family Court Judges
CHASE Bank	Fayette County Legal Aid
Children's Law Center	Fayette County Sheriff Department
Department of Public Advocacy	Multicultural Affairs Office University of Kentucky
Detention Center Kentucky Department of Juvenile Justice	



## Sub-Committees

<b>Risk Assessment / Alternative to Detention</b>	
Judge Maria Ransdell, Chairperson Fayette District Court	Stephanie Hong Partners For Youth
Rebecca Diloreto, Children's Law Center	Karma Potter Wilson, Court Designated Workers Office
Jane Gibbs, KY Dept of Community Based Services	Terry Stivers Partners For Youth
Rebecca Graff MASH Inc.	Chris Townsend, Division of Police
Mary Hester Department of Corrections LFUCG	Jae Underwood, Division of Youth Services Probation Office

<b>School Data</b>	
Jim Searle, Chairperson, Law Enforcement Fayette County Public Schools	Stephanie Hong Partners For Youth
Zephrenia Campbell, Community Action Council	Chris Townsend, Division of Police
Rebecca Diloreto, Department of Public Advocacy	Jae Underwood, Division of Youth Services Probation Office

<b>Pre-Post Detention Data</b>	
Karma Potter Wilson, Chairperson, Court Designated Workers Office Kentucky Administrative Office of the Courts	Valerie Smith Concerned Citizen
Rebecca Diloreto, Children's Law Center	Terry Stivers Partners For Youth
Anthony Jackson, Community Office Kentucky Department of Juvenile Justice	Randy Thomas NECCO
Stephanie Hong Partners For Youth	Chris Townsend, Division of Police
Pauline Shackelford Regional Court Designated Workers Office Kentucky Administrative Office of the Courts	Jae Underwood, Division of Youth Services Probation Office